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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,094	11/20/2003	Michael Pierre Carlson	AUS920030917US1	9424
43307	7590	11/14/2006	EXAMINER	
IBM CORP (AP)			TIEU, BINH KIEN	
C/O AMY PATTILLO				
P. O. BOX 161327			ART UNIT	PAPER NUMBER
AUSTIN, TX 78716				2614

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/718,094	CARLSON ET AL.	
	Examiner	Art Unit	
	BINH K. TIEU	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 November 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-54 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,4-8,10-14,16-22,24-29,31-36 and 38-54 is/are rejected.

7) Claim(s) 3,9,15,23,30 and 37 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/20/03 & 2/17/05.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application
6) Other: ____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4, 7-8, 10, 12-14, 16, 19-22, 24-29, 31-36 and 38-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Lahutsky (Pub. No.: US 2004/0047456 A1).

Regarding claim 1, Lahutsky teaches a method for controlling a telephone network for telephony based remote location monitoring, comprising:

responsive to receiving a caller request to listen only to a remote location telephony device, allocating a listen only channel between a caller telephony device and said remote location telephony device (see paragraph [0028]);

activating a microphone at said remote location telephony device via said listen only channel (see paragraph [0032]);

streaming audio detected at said microphone via said listen only channel to said caller telephony device, such that said telephone network enables a caller to monitor a remote location through said remote location telephony device with minimized allocation of telephone network resources (see paragraph [0033]).

Regarding claim 2, note paragraphs [0028], [0029] and [0030].

Regarding claim 4, note paragraph [0035].

Regarding claim 7, Lahutsky teaches a system for controlling a telephone network for telephone based remote location monitoring, comprising:

a telephone network, such as shown in figure 1, for allocating communication channels (i.e., paths 25 through 28) between a caller telephone device (i.e., any telephone instrument 12 through 14) and a remote location telephone device (i.e., any surveillance sensor in each location included microphone, video cam, a telephone set, etc., connected to the telephone network see paragraph [0022] through [0026]);

said telephone network further comprising:

means, responsive to receiving a caller request to listen only to a remote location telephony device, for allocating a listen only channel between a caller telephony device and said remote location telephony device (see paragraph [0028]);

means for activating a microphone at said remote location telephony device via said listen only channel (see paragraph [0032]);

means for streaming audio detected at said microphone via said listen only channel to said caller telephony device, such that said telephone network enables a caller to monitor a remote location through said remote location telephony device with minimized allocation of telephone network resources (see paragraph [0033]).

Regarding claim 8, note paragraphs [0028], [0029] and [0030].

Regarding claim 10, note paragraph [0035].

Regarding claim 12, note paragraph [0022].

Regarding claim 13 Lahutsky teaches a computer program product for controlling a telephone network for telephony based remote location monitoring, comprising:

a recording medium;

means, recorded on said recording medium, for allocating a listen only channel between a caller telephony device and said remote location telephony device, responsive to receiving a caller request to listen only to a remote location telephony device (see paragraph [0028]);

means, recorded on said record medium, for activating a microphone at said remote location telephony device via said listen only channel (see paragraph [0032]);

means, recorded on said record medium, for streaming audio detected at said microphone via said listen only channel to said caller telephony device, such that said telephone network enables a caller to monitor a remote location through said remote location telephony device with minimized allocation of telephone network resources (see paragraph [0033]).

Regarding claim 14, note paragraphs [0028], [0029] and [0030].

Regarding claim 16, note paragraph [0035].

Regarding claims 19-22, 24-29, 31-36 and 38-54 are rejected with the same reasons set forth in rejections of claims 1-2, 4, 7-8, 10, 12-14 and 16 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 7, 13, 19, 26, 33, 40, 43, 46, 49, 50, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad (US. Pat. #: 4,304,963) in view of the Well-Known Prior Art (“WKPA”).

Regarding claims 1, 7, 13, 19, 26, 33, 40, 43, 46, 49, 50, 51 and 52, Conrad teaches a communication system for remote monitoring and for transmission of electrical signals from a plurality of remote stations wherein each of remote station comprises a microphone. Also, there is a plurality of band-pass filters each has different supersonic frequency band-pass range positioned or coupled to each of said remote stations, and connected across to a common power line. A caller at a transmitting station can selectively energize a desired one of said microphones by applying a signal that matched to the bandpass filter associated with the desired remote station so that the microphone signals can be transmitted to the caller.

It should be noticed that Conrad fails to clearly teach the well-known technique to converting or digitizing the acoustic sounds or audio waveform signals input from the microphone into audio stream and transmitted to the caller party. However, such is notoriously

well-known in the art and the Examiner takes official notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the well-known audio stream conversion technique into view of Conrad, in order to transmit the acoustic signals around the area of the microphone to the calling party.

6. Claims 1, 7, 13, 19, 26, 33, 40, 43, 46, 49, 50, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers et al. (US. Pat. #: 4,527,015) in view of the Well-Known Prior Art (“WKPA”).

Regarding claims 1, 7, 13, 19, 26, 33, 40, 43, 46, 49, 50, 51 and 52, Chambers et al. (“Chambers”) teaches a security listening system comprising a telephone device connected parallel to a telephone line. The device, such as the telephone device 18, as shown in figure 1, comprises a high sensitive microphone 22 connected to an amplifier 24. A calling party initiated a call to the remote device 18. Upon incoming call from the calling party, the microphone and amplifier are activated and connected to the telephone line in talk/transmit only channel so that the calling party can listen to the sound around the area of the microphone (see col.3, lines 13-64).

It should be noticed that Chambers fails to clearly teach the well-known technique to converting or digitizing the acoustic sounds or audio waveform signals input from the microphone into audio stream and transmitted to the caller party. However, such is notoriously well-known in the art and the Examiner takes official notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate

the use of the well-known audio stream conversion technique into view of Chambers, in order to transmit the acoustic signals around the area of the microphone to the calling party.

7. Claims 5-6, 11 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahutsky (Pub. No.: US 2004/0047456 A1) in view of the Heep et al. (US. Pat. #: 4,996,709).

Regarding claims 5, 11 and 17, Lahutsky teaches all subject matters as claimed above, except for the features of responsive to receiving a caller request to talk only to said remote location telephony device while said listen only channel is allocated, deallocating said listen only channel and allocating a talk only channel. However, Heep et al. ("Heep") teaches such features in col.4, lines 43-50 and col.5, lines 21-34 for a purpose of a purpose of transmitting voice signals to a remote intercom terminal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features as described above by Heep, into view of Lahusky in order to transmit voice signals to the remote location telephone device.

Regarding claims 6 and 18, Heep further teaches limitations of the claims in col.6, lines 43-64.

Allowable Subject Matter

8. Claims 3, 9, 15, 23, 30 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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BINH TIEU
PRIMARY EXAMINER

Technology Division 2614

Date: November 2006